

Jeffrey Ostrow (CSB No. 213118)  
SIMPSON THACHER & BARTLETT LLP  
2550 Hanover Street  
Palo Alto, California 94304-1115  
Telephone: (650) 251-5000  
Facsimile: (650) 251-5002  
E-mail: jostrow@stblaw.com

Henry B. Gutman (admitted *pro hac vice*)  
Kerry L. Konrad (admitted *pro hac vice*)  
SIMPSON THACHER & BARTLETT LLP  
425 Lexington Avenue  
New York, New York 10017-3954  
Telephone: (212) 455-2000  
Facsimile: (212) 455-2502  
E-mail: hgutman@stblaw.com

Attorneys for Plaintiff  
3Com Corporation

Yitai Hu (SBN 248085)  
Sean P. DeBruine (SBN 168071)  
Elizabeth H. Rader (SBN 184963)  
S.H. Michael Kim (SBN 203491)  
ALSTON + BIRD, LLP  
Two Palo Alto Square  
3000 El Camino Real, Suite 400  
Palo Alto, CA 94306-2112  
Telephone: (650) 838-2000  
Facsimile: (650) 838-2001  
E-mail: yitai.hu@alston.com

Attorneys for Defendant  
Realtek Semiconductor Corporation

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

3COM CORPORATION,

Plaintiff,

v.

REALTEK SEMICONDUCTOR  
CORPORATION,

Defendant.

Case No. Cv-03-02177-VRW

**STIPULATION AND ~~PROPOSED~~  
ORDER DISMISSING ACTION  
WITH PREJUDICE**

1 Plaintiff 3Com Corporation, Inc. ("3Com"), by its counsel Simpson Thacher &  
2 Bartlett LLP, and Defendant Realtek Semiconductor Corporation ("Realtek"), by its counsel  
3 Alston + Bird, LLP, hereby stipulate that they have reached a settlement of the dispute that is the  
4 subject matter of the above-referenced action (the "Action"). Based upon such settlement, on the  
5 consent and approval of 3Com and Realtek, IT IS HEREBY ORDERED that:

6 1. The Action, including, without limitation, all claims asserted by 3Com against  
7 Realtek in the Action and all claims asserted by Realtek against 3Com in the Action, is hereby  
8 dismissed with prejudice pursuant to Rules 41(a)(1)(A) and 41(c) of the Federal Rules of Civil  
9 Procedure.

10 2. The parties have entered into a confidential settlement agreement. The Court  
11 shall retain jurisdiction over the parties for purposes of enforcing this agreement.

12 3. Pursuant to the terms of the settlement agreement, the judgment with respect to  
13 the jury's finding of willful infringement shall be vacated.

14 4. Each party shall bear its own costs and attorneys' fees.

15 AGREED TO AND ACCEPTED:

16 Dated: September 3, 2008

SIMPSON THACHER & BARTLETT LLP

17 By: /s/ Henry B. Gutman  
18 Henry B. Gutman

19 Attorneys for Plaintiff  
3COM CORPORATION

20 Dated: September 3, 2008

ALSTON + BIRD, LLP

21 By: /s/ Yitai Hu  
22 Yitai Hu

23 Attorneys for Defendant  
REALTEK SEMICONDUCTOR CORP.

24 PURSUANT TO STIPULATION, IT IS SO ORDERED

25 Dated: September 12, 2008

26   
27 Vaughn R. Walker  
28 United States District Judge

1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under  
2 penalty of perjury that concurrence in the filing of this document has been obtained from Yitai Hu.

3 Dated: September 3, 2008

SIMPSON THACHER & BARTLETT LLP

4  
5 By: /s/ Henry B. Gutman  
Henry B. Gutman (admitted *pro hac vice*)  
6 Attorneys for Plaintiff  
7 3COM CORPORATION  
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